

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3367 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

DINESHKUMAR R KUBAVAT

Versus

STATE OF GUJARAT

Appearance:

MR HA RAICHURA for Petitioner
NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 07/07/2000

ORAL JUDGEMENT

The petitioner challenges the termination order
and seeks a direction on the respondent to regularise his
service by reinstating him.

According to the petitioner, he was appointed

during scarcity period as Oversear Technical and was given artificial breaks after completion of scarcity period and he was relieved without passing any legal orders of termination. It is contended by the petitioner that his services were satisfactory and therefore, he ought to have been regularised, keeping in view the ratio of the decision in Nehru Yuvak Kendra, reported in 1986 (1) LLJ 134.

It appears from the orders of appointment placed on record that the petitioner's appointment was purely by way of stop gap arrangement on a work-charge establishment and therefore, the petitioner had no right to continue as Oversear. It was stipulated in the order of appointment that his services were liable to be terminated at any time without notice. The petitioner had never objected to such adhoc appointments. By order dated 23.12.1985, the petitioner was appointed for scarcity works. Thereafter, by order dated 15.1.1986, he was appointed as work-charge mistry for 29 days. It was stipulated therein that his employment will stand terminated at the end of the said stipulated period of 29 days. It is therefore clear that the petitioner can claim no right to continue in service after the stipulated period was over, nor can he claim any regularisation because petitioner was appointed only for the scarcity work on purely adhoc basis. Since no right of the petitioner is violated, no relief of reinstatement, regularisation or continuity in service can be granted to him. Rule is discharged with no order as to costs.

*/Mohandas